

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, AUGUST 6, 2007**

The City-County Council of Indianapolis, Marion County, Indiana, the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 6:59 p.m. on Monday, August 6, 2007, with Councillor Gray presiding.

Councillor Franklin introduced Minister Pat Murray, who led the opening prayer. Councillor Franklin then invited all present to join her in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*29 PRESENT: Abdullah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty, Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*

A quorum of twenty-nine members being present, the President called the meeting to order.

President Gray stated that there will be no public comments on the budget this evening as it is just being introduced. He said that August 27, 2007 will include time for public testimony on the budget, as well as many committee meetings being held in the next month where citizens are encouraged to share their input.

Councillor Borst stated that this is the first time in all his years on the Council that people have not been allowed into the building. While he understands the room has reached its capacity, there are people having to stand outside in 92 degree weather being denied access into the building, and he would hope President Gray would at least allow them into the building so that they can stand in the lobby out of the heat. President Gray stated that he does not have the authority to either deny or allow people access into this building.

## **INTRODUCTION OF GUESTS AND VISITORS**

Councillor Schneider asked all those taxpayers opposed to the recent tax increases in attendance to please stand and be recognized. Councillor Pryor recognized County Auditor, Billie Breaux. Councillor Oliver recognized Jeffrey Johnson, principal of John Marshall Middle School. Councillor Gibson introduced Lawrence Township Trustee Frank Short. Councillor Lutz recognized those citizens who have come out this evening to keep their eye on local government.

## **OFFICIAL COMMUNICATIONS**

President Gray recognized Mayor Bart Peterson who offered the following official communication:

I appreciate the opportunity to be with you tonight to talk about our war against crime and our fight to lower property taxes for the people of our city. These are both complex and challenging problems, but the history of our great city is to face major challenges head-on and to prevail. We will prevail again on these issues and we will continue the remarkable success story of the City of Indianapolis.

I was given a quote from a Minneapolis Star Tribune columnist the day after the tragic bridge collapse in that city that is particularly relevant at this juncture in our city's history: "[W]e are years behind a dangerous curve when it comes to the replacement of infrastructure that everyone . . . agree[s] is one of the basic duties of government."

The clear lesson from Minneapolis, and the destruction wrought on New Orleans from Hurricane Katrina, is if you don't invest in the basics – whether it is bridges, levies, or, in our case, public safety – you will pay a price someday.

Together, we have a history of facing up to the challenges that modern American cities confront. In a bi-partisan manner we committed to fix our sewer system to end the medieval practice of discharging raw sewage into our creeks and rivers after it rains. We invested in our storm water drainage system and will complete hundreds of drainage projects over the next several years to improve the quality of life in our neighborhoods. Tonight I ask all of you to reach down and find that same spirit of cooperation to fix yet another neglected problem of the past – woefully inadequate funding of public safety. We must pass a budget that helps us win the war against crime!

At the same time, we face a property tax crisis. People are angry and I share their anger. The lives of too many people in our city have been turned upside down by this travesty. People have seen the dreams of a lifetime – sending a child to college, retiring or staying retired, even staying in their home – appear to crash down around them when they opened that fateful envelope. With this budget, our taxpayers will see a significant reduction in the property taxes collected by city and county government. With a couple straightforward steps, which I will describe in a minute, the state can reduce the tax bill further.

Looking back over seven years, I am proud of my administration's record, in partnership with the Council, of fiscal responsibility. In this budget, the total amount of property tax collected by the city, in an apples-to-apples comparison, will be lower than it was the year I took office. We have cut \$83 million dollars out of approved budgets the last four years, and together with members of the Council, two weeks ago I announced another \$13 million in budget cuts along with a City and County hiring freeze. Those parts of Indianapolis Works that have already been implemented – the police merger and the Washington and Warren Township fire mergers – are saving nearly \$20 million a year for our taxpayers.

Tonight we continue our battle against property taxes. The budget I am proposing holds the line on overall spending even as it includes all the components of our anti-crime package. The total amount of property taxes to be collected for city and county government and state mandates is cut by \$50 million – that's an 11% reduction. And, one result of the income tax vote two weeks ago is that, by law, all government taxing entities in Marion County – libraries, townships, the cities of Lawrence, Beech Grove and Southport, the Town of Speedway, and others except schools, which

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the state legislature chose to treat differently – are prohibited from increasing property taxes for at least two years.

Indianapolis has become a big city. With that growth comes social and economic change. Our public safety and criminal justice systems have not kept up with that change. In this budget I am setting forth a plan to fix a criminal justice system that has been stuck back in the 1970s, and to support an escalated war against crime.

We will pay off the unfunded pension liability for retired police officers and firefighters that has wreaked havoc on our crime-fighting budget for decades. Our retired public safety heroes deserve it, and it is simply the right thing to do!

We will permanently fund the new criminal courts, the huge increase in jail beds, the investments in the crime lab, the additional prosecutors and all the other dramatic improvements we have made in recent months that ended the early release of dangerous criminals from the Marion County Jail. So much has happened in the last year it is hard for some to remember that often as many as 500 criminals a month were being released from the jail because of jail overcrowding until we ended it exactly one year ago today. We will not go back to those days!

This plan makes clear we are coming after the criminals with everything we have. We will add one hundred new officers to the Indianapolis Metropolitan Police Department force, we will increase the department's capacity to train new recruits, we will fund crime prevention and early intervention, we will add more jail beds to lock-up those who habitually commit smaller crimes, and we will provide more resources for our crime lab investigators.

Why now? Well, if not now, when? Have we forgotten the community's pain over the news of a family of seven murdered in their home? Do we remember the child taken from her bus stop and raped? The downtown office worker abducted in a parking garage and raped? When we contemplate a half a billion dollars in unfunded pension liabilities for police officers and firefighters in Indianapolis, has the memory of Enron and so many other corporate scandals that destroyed the pensions of hundreds of thousands of people faded away so quickly?

We know what to do to effectively fight the war against crime. What we have already done is working, thanks to the untiring efforts of Sheriff Anderson, Chief Spears and the men and women of the Indianapolis Metropolitan Police Department. Finishing the job is a test of our resolve. It is time to show that collective resolve by passing our crime-fighting budget!

I want to thank the City and County department heads and elected officials who understood the very difficult constraints we faced in putting together this budget, and our City Controller, Bob Clifford, and our Office of Finance and Management staff for their tireless efforts on the budget, on the crime-fighting package and on property tax analysis these last several months. They have worked together as a team with the outstanding Council staff in a very difficult fiscal environment. And I want to thank our terrific city and county employees, who once again are being asked to do more with less. They always rise to the occasion and they deserve the gratitude of everyone whom they serve.

Now, I'm going to take a few minutes to set the record straight on the property tax debacle the entire state is facing, but which is particularly acute here in Marion County. If the people we serve are to understand what happened here and how, realistically, it can be fixed, they need to know the facts. There have been too many politically charged myths masquerading as facts the last five weeks.

First, the total amount of property taxes to be collected for all local government entities – schools, libraries, townships, the cities of Lawrence, Beech Grove and Southport, the town of Speedway, the City of Indianapolis and Marion County – went up by about 10% in 2007. Of that increase, about half came from schools and most of the rest was attributable to child welfare services and juvenile incarceration – two state-run programs for which Marion County taxpayers are billed. The impact of the increase in city and county government spending on your property tax bill, the part the Council and I are responsible for, was less than 3%.

Even with the increases in school spending and state-run programs, "local government spending" was not the primary cause of tax bills that increased by 75%, 150% or even 300%. How could it be

if local government's property tax collections went up only 10%? Nevertheless, tonight's budget reflects my strong belief that we must do whatever we can to help lower the property tax burden for our people. All the institutions in Marion County with taxing authority must follow our lead and cut property tax-supported spending and lower the amount of property taxes they collect!

If "local government spending" was not the primary cause of the huge tax bill increases, what was? We know now that the bills were simply wrong. The failure by the elected township tax assessors to reassess business property caused homeowners to be charged not only for higher assessments on their property, but to pay for part of businesses' share of the tax bill! It was a classic double-whammy.

But that's not all. The consequences of a number of state government policy decisions over the years all hit this year: first, the court-ordered switch to a market-price system for assessing taxes; second, a delay of six years between reassessments; third, the use of property value trending for the first time this year; fourth, the elimination of the inventory tax on businesses which furthered the tax burden shift from business to homeowners; fifth, the decision in 2005 to freeze state property tax replacement credits – the primary source of state property tax relief since the Otis Bowen era; and sixth, a change in the state school funding formula to put more of the cost of schools on local property taxes. None of these steps was taken because governors and legislators wanted to see your taxes skyrocket, but the cumulative effect – hitting all in one year – has been devastating across the state.

Armed with these facts, we can make intelligent decisions about short-term property tax relief and long-term reform. There has been much talk of local government reform. No one has been a stronger advocate for local government reform than I have! Perhaps some of our opponents in the legislature are now in the mood to listen. But, I will not allow the state government to escape responsibility for its policies! I challenge the state tonight to step up and fix the problem that only it can fix! And I commit the City of Indianapolis and Marion County to be partners in finding solutions. We must work together, across party lines, in the interests of those we all serve.

A couple of the steps the state can take are obvious and have been endorsed by the governor and many state legislators from both parties. The state should pass the remainder of our Indianapolis Works plan. Consolidation of the remaining fire departments in Marion County, along with consolidation of township assessors and trustees, will save over \$20 million dollars a year in property taxes – every year! And consolidating assessors will promote uniform and consistent property tax assessments across the county. The last vote on a consolidation proposal in this Council was more broadly bipartisan. Now, we need every member of this Council on board with Indianapolis Works as we go back to the legislature!

The state should take over the cost of child welfare services. Marion County officials have no control over how the money is spent in these programs, or the outcomes, yet their citizens are given a bill each year and expected to pay it out of their property taxes. If the state took them over, there would be a reduction of \$70 million in Marion County property taxes every year!

These are the easy steps – and they would have a huge impact. Some have suggested that the City-County Council and I should raise income taxes even more and use the money to reduce property taxes dollar for dollar. No one will ever be able to convince me that we need more taxes when all the state legislature has to do is take these simple steps to cut property taxes by \$90 million!

There are others reform measures that will require difficult policy decisions and trade-offs. The fundamentals of long-term property tax reform are not a mystery. Many other states have figured out ways to reduce the impact of property taxes and establish a system that is more fair and has more credibility with their citizens.

At the same time, we will continue our work here in Marion County to find ways to lower property taxes. The efficiency commission we are developing in partnership with the Greater Indianapolis Chamber of Commerce will focus on all the local authorities that have the ability to levy property taxes. We will work continually for greater efficiency in city and county government, but, in the end, we are less than one-third of your property tax bill. Everyone must be forced to work just as hard in the interests of the taxpayers who fund their operations.

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I look forward to working with the state on long-term property tax reform and I look forward to working with all of you to deliver a budget to the people of Indianapolis and Marion County that is fiscally responsible and provides the services our people need and deserve.

We must fight hard on the issues of property taxes and crime. But we must remember, neither of them defines Indianapolis. Our job is to ensure that our great city continues its remarkable progress. The “Star of the Snowbelt,” as we have been described, has only begun to show its true potential. Our future is bright. It will be advanced by the greatest citizens anywhere. We must represent them well. This is our time to show what we can do.

Thank you.

President Gray thanked the Mayor and his staff for all their efforts in putting the proposed budget together and offered the following comments:

Ladies and gentlemen, it is the intent of this council to adopt a budget that adequately funds the basic operations of the City and County, while cutting millions in 2008 property taxes. The Mayor has introduced his proposed budget for 2008. The members of this Council and the Council CFO will spend the next several weeks working with the Controller and department heads to produce a lean but adequate budget.

I am particularly pleased that the Mayor has proposed a \$50 million decrease in city and county property tax levies for 2008 and a \$13 million decrease in operational costs for city and county offices. The budget uses the COIT increase to provide property tax relief, as well as, to meet the critical funding issues related to public safety. Thanks to the efforts of the Mayor and my colleagues on the Council, this is the first city county budget since UniGov in which the Mayor and this Council recognize and address all liabilities and obligations of the city and county.

Since 70% of the property taxes in Marion County are levied by entities not controlled by this body, I join the Mayor in asking that those entities also look at their budgets to see where they may be able to assist us to control spending. I, and I’m sure my fellow councillors, join me in urging the Governor and the members of the General Assembly to reform property taxes. I sincerely hope that you will all join us at the Statehouse when we ask the Legislature to address this problem.

I urge you to attend the Council meeting on August 27th - where your input will be welcomed during the normally scheduled public hearing part of the meeting. In addition, there will be 21 Council committee meetings where public input would be most appreciated. The meetings will be held every Monday through Thursday beginning tomorrow, August 7<sup>th</sup> and continue through September 10<sup>th</sup>.

I encourage every Marion County resident to attend these meetings and offer input. If you cannot attend a public meeting, you may submit your comments and ideas by clicking on our new link called “Budget Talk” on the Indygov.org website or by calling 327-4241.

Thank you.

President Gray called for a two-minute recess to allow the chamber to clear.

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, August 6, 2007, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

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Respectfully,  
s/Monroe Gray  
President, City-County Council

July 24, 2007

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court & Commercial Record* on Wednesday, July 25, 2007 and in the *Indianapolis Star* on Thursday, July 26, 2007, a copy of a Notice of Public Hearing on Proposal No. 305-310, 2007, said hearing to be held on Monday, August 6, 2007, at 7:00 p.m. in the City-County Building.

Respectfully,  
s/Jean Ann Milharcic  
Clerk of the City-County Council

August 1, 2007

TO PRESIDENT GRAY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinances:

FISCAL ORDINANCE NO. 64, 2007 - approves an increase of \$5,298,919 in the 2007 Budget of the Department of Public Safety, Fire Division (Fire Service District and Fire Pension Funds) to provide operational expenses, including salaries, benefits, supplies, contracts and equipment associated with the consolidation of the Warren Township Fire Department into the Indianapolis Fire Department, financed by 2007 tax levy, County Option Income Tax and other revenues transferred from Warren Township to the City of Indianapolis

FISCAL ORDINANCE NO. 65, 2007 – approves an increase of \$47,348 in the 2007 Budget of the Marion County Public Defender Agency (State and Federal Grants Fund) to fund mental health services, sentencing consultants and an intra-family violence diversion program, funded by a federal grant administered by the Indiana Criminal Justice Agency

FISCAL ORDINANCE NO. 66, 2007 – approves an appropriation of \$807,200 in the 2007 Budget of the Department of Public Works (Non-Lapsing Federal Grants Fund) to purchase a total of 31 flexible-fuel cars and trucks, to install an E-85 fuel gas pump at DPW's 21st Street and Sherman Drive facility, and to purchase 10,000 environmentally-friendly gas cans for a gas can exchange program, all financed by federal highway Congestion Mitigation and Air Quality (CMAQ) grants administered by the Indiana Department of Transportation

FISCAL ORDINANCE NO. 67, 2007 – approves a transfer of \$123,019 from the 2007 Budget of the Lawrence Township Assessor (County General and Property Reassessment Funds) to the 2007 Budget of the Washington Township Assessor to pay for maintenance and licensing fees and services provided to the Marion County Township Assessors

FISCAL ORDINANCE NO. 68, 2007 – transfers \$20,000 in the 2007 Budget of the Marion County Board of Voter's Registration (County General Fund) to cover expenses for temporary staff to assist with entering and maintaining voter registration records

FISCAL ORDINANCE NO. 69, 2007 - approves an appropriation of \$192,800 in the 2007 Budget of the Department of Public Works (Consolidated County Fund) to cover the anticipated costs of operating and maintaining vehicles and fire apparatus currently owned by the Warren Township Fire Department that became part of the Indianapolis Fire Department as of July 1, 2007, financed by chargeback revenues to be received from the Indianapolis Fire Department

GENERAL ORDINANCE NO. 30, 2007 - amends the Code to clarify the qualifications of members of the air pollution control board

GENERAL ORDINANCE NO. 31, 2007 – amends the Code to create the Fleet Services Internal Service Fund

GENERAL ORDINANCE NO. 32, 2007 – amends the Code to revise the duties of the Indianapolis Fleet Services Division to add county vehicles to the management responsibilities of the Division and to allow for better management of vehicle replacements and reduce vehicle maintenance costs

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GENERAL ORDINANCE NO. 33, 2007 - authorizes intersection controls for the Treyburn Green Subdivision (District 21)

GENERAL ORDINANCE NO. 34, 2007 – authorizes parking restrictions on Summit Street between Williams Street and Washington Street (District 16)

GENERAL ORDINANCE NO. 35, 2007 – authorizes intersection controls for the Keystone Enterprise Park (District 9)

GENERAL ORDINANCE NO. 36, 2007 - authorizes a traffic signal for the intersection of 82nd Street and Racquet Square (District 4)

GENERAL RESOLUTION NO. 11, 2007 - authorizes and approves an interlocal agreement for the investment of public funds

SPECIAL RESOLUTION NO. 36, 2007 – proposes an ordinance of the Marion County Income Tax Council to impose a tax rate pursuant to IC 6-3.5-6-30 and IC 6-3.5-6-31

SPECIAL RESOLUTION NO. 37, 2007 – determines the need to lease approximately 6,819 square feet of additional space at 251 East Ohio Street for use by the Marion County Prosecutor's Office

Respectfully,  
s/Bart Peterson, Mayor

### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journal of July 23, 2007. There being no additions or corrections, the minutes were approved as distributed.

### **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 347, 2007. The proposal, sponsored by Councillors Plowman and Langsford, recognizes Michael (Mickey) Rogers. Councillor Plowman read the proposal and presented Mr. Rogers with a copy of the document and a Council pin. Mr. Rogers thanked the Council for the recognition. Councillor Plowman moved, seconded by Councillor Langsford, for adoption. Proposal No. 347, 2007 was adopted by a unanimous voice vote.

Proposal No. 347, 2007 was retitled COUNCIL RESOLUTION NO. 68, 2007, and reads as follows:

#### **CITY-COUNTY COUNCIL RESOLUTION NO. 68, 2007**

A COUNCIL RESOLUTION recognizing Michael (Mickey) Rogers.

WHEREAS, Michael (Mickey) Rogers began his career with the Department of Public Works (DPW) in May 2000, where he serves as the Executive Assistant; and

WHEREAS, Mickey develops recommendations for departmental policies and acts as the liaison for the Director to the general public and governmental entities in addition to several other job duties; and

WHEREAS, Mickey Rogers is very helpful to the Council office and is an important asset in the public sector; and

WHEREAS, Mickey has exceptional work ethic and always keeps a positive and professional attitude; and

WHEREAS, Mickey Rogers plays a key role in researching constituent concerns and obtaining accurate and prompt responses; and

WHEREAS, Mickey is commended for his hard work and consistency of being available and dependable; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Michael (Mickey) Rogers for his commitment and dedication in serving the public and the Council office.

SECTION 2. The Council extends its appreciation and gratitude to Mickey and wishes him continued success in future endeavors.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 357, 2007. The proposal, sponsored by Councillors Borst, Mansfield, Day, McWhirter, Abdullah, Nytes, Pfisterer, Schneider, Cain, Langsford, Vaughn, Conley, Randolph, Lutz, Moriarty Adams, Mahern, Gray and Cockrum, recognizes Judge Cale Bradford on his appointment to the second district of the Indiana Court of Appeal. Councillor Borst read the proposal and presented Judge Bradford with a copy of the document and a Council pin. Judge Bradford thanked the Council for the recognition. Councillor Borst moved, seconded by Councillor Lutz, for adoption. Proposal No. 357, 2007 was adopted by a unanimous voice vote.

Proposal No. 357, 2007 was retitled SPECIAL RESOLUTION NO. 38, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 38, 2007

A SPECIAL RESOLUTION recognizing Judge Cale Bradford on his appointment to the second district of the Indiana Court of Appeals.

WHEREAS, Judge Cale Bradford is a graduate of North Central High School in Indianapolis, Indiana. He received his Bachelor of Science in Labor Relations and Personnel Management from Indiana University in Bloomington, Indiana, and graduated from Indiana University School of Law in Indianapolis, Indiana; and

WHEREAS, Judge Bradford has served on the Marion County Superior Court for 10 years, during which he played a leading role in the successful effort to end three decades of jail overcrowding in Marion County; and

WHEREAS, Judge Bradford's professional experience also includes serving as the Presiding Judge in the Marion County Superior Court System, Civil and Criminal Divisions; Chief Trial Deputy and Deputy Prosecutor for the Marion County Prosecutor's Office; and public defender for the Marion County Public Defender's Agency; and

WHEREAS, Judge Bradford has chaired and served on many boards and committees, and was instrumental in the reform efforts at the Juvenile Detention Center. He also played a major role in persuading the Annie E. Casey Foundation to select Indianapolis as a site city for the Juvenile Detention Alternatives Initiative (JDAI); and

WHEREAS, Judge Bradford demonstrates exceptional leadership skills, is actively involved in the community, and is dedicated to spending time with his wife and five children; and

WHEREAS, as one of three nominees by the Indiana Judicial Nominating Commission, Judge Bradford was appointed by Governor Mitch Daniels to serve as Judge of the Indiana Court of Appeals; now, therefore:



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BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Judge Cale Bradford for his incomparable contributions and dedication to the community and to the Marion County Criminal Justice System.

SECTION 2. The Council heartily congratulates Judge Bradford on his new position and wishes him continued success in all future endeavors.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 328, 2007. Councillor Sanders deferred to Councillor Nytes, who chaired the Committee in her absence. Councillor Nytes reported that the Administration and Finance Committee heard Proposal No. 328, 2007 on July 31, 2007. The proposal, sponsored by Councillor Borst, reappoints Robert Thomas Burns to the Indianapolis Marion County Building Authority Board Of Trustees. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Sanders, for adoption. Proposal No. 328, 2007 was adopted by a unanimous voice vote.

Proposal No. 328, 2007 was retitled COUNCIL RESOLUTION NO. 69, 2007, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 69, 2007

A COUNCIL RESOLUTION reappointing Robert Thomas Burns to the Indianapolis Marion County Building Authority Board Of Trustees.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Indianapolis Marion County Building Authority Board Of Trustees, the Council reappoints:

Robert Thomas Burns

SECTION 2. The appointment made by this resolution is for a term ending June 3, 2011, and/or until a successor is appointed and qualified.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 329, 2007. Introduced by Councillors Sanders, Nytes and Keller. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to transfer from the office of corporation counsel to the office of finance and management the powers and duties with respect to the collection of city or county receivables"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 330, 2007. Introduced by Councillors Nytes and Keller. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of Redevelopment District Bonds not to exceed \$5,000,000 for certain local public improvements in the designated Martindale Industrial Redevelopment Area"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 331, 2007. Introduced by Councillors Gray and Mahern. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Michael Fitzgerald to the Beech Grove Public Library Board"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 332, 2007. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to add fees for registrations and address changes of sex or violent offenders"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 333, 2007. Introduced by Councillors Conley, Keller, Mansfield and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of Indiana Waterworks District Revenue Bonds not to exceed \$125,000,000 to fund various water-related projects throughout Marion County"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 334, 2007. Introduced by Councillors Gray, Keller, Brown and Gibson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to establish a crime prevention advisory board for the purpose of reviewing and making recommendations regarding funding of crime prevention initiatives and programs"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 335, 2007. Introduced by Councillors Plowman and Sanders. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which requests that the Metropolitan Development Commission stop granting new tax abatements, except in extraordinary circumstances, until such time as the new reassessment is completed"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 336, 2007. Introduced by Councillors Moriarty Adams and Conley. The Clerk read the proposal entitled: "A Proposal for a P.S.S.D.F.O. which adopts the annual budget for the Police Special Service District for 2008"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 337, 2007. Introduced by Councillors Moriarty Adams, Sanders and Conley. The Clerk read the proposal entitled: "A Proposal for a F.S.S.D.F.O. which adopts the annual budget for the Fire Special Service District for 2008"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 338, 2007. Introduced by Councillors Conley and Sanders. The Clerk read the proposal entitled: "A Proposal for a S.W.C.S.S.D.F.O. which adopts the annual budget for the Solid Waste Collection Special Service District for 2008"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 339, 2007. Introduced by Councillors Moriarty Adams and Sanders. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for the Metropolitan Emergency Communications Agency for 2008"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 340, 2007. Introduced by Councillors Sanders, Gray and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget

for the Revenue Bonds Debt Service Funds for 2008"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 341, 2007. Introduced by Councillors Mansfield and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for the Marion County Office of Family and Children for 2008"; and the President referred it to the Community Affairs Committee.

PROPOSAL NO. 342, 2007. Introduced by Councillors Gray, Sanders and Conley. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which adopts the annual budget for Indianapolis and Marion County for 2008"; and the President referred it to the Various Committee.

PROPOSAL NO. 343, 2007. Introduced by Councillors Gibson, Gray, Conley and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies and approves the 2008 operating budget of the Indianapolis Public Transportation Corporation (IndyGo)"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 344, 2007. Introduced by Councillors Gibson, Gray, Conley and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies and approves the 2008 operating budget of the Indianapolis Airport Authority"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 345, 2007. Introduced by Councillors Gibson, Gray, Conley and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies and approves the 2008 operating budget of the Capital Improvement Board of Managers"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 346, 2007. Introduced by Councillor Keller. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Dan Young to the Marion County Community Corrections Advisory Board"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 358, 2007. Introduced by Councillors Gibson, Gray, Conley and Sanders. The Clerk read the proposal entitled: "A Proposal for a General Resolution which reviews, modifies and approves the 2008 operating budget of the Indianapolis Marion County Public Library"; and the President referred it to the Municipal Corporations Committee.

PROPOSAL NO. 359, 2007. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which authorizes the issuance and sale of bonds for the purpose of providing funds to be used to pay the City's pension obligations incurred prior to May 1, 1977 and incidental expenses in connection therewith "; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 360, 2007. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Special Ordinance which elects to fund MECA in 2008 with County Option Income Tax (COIT) Revenues"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 361, 2007. Introduced by Councillor Sanders. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Sec. 192-103 of the Code,

Compensation of county elected officers, to allow for a 3% increase in pay scales effective January 1, 2008"; and the President referred it to the Administration and Finance Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 348, 2007 and PROPOSAL NOS. 349-356, 2007. Introduced by Councillor Mahern. Proposal No. 348, 2007 and Proposal Nos. 349-356, 2007 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on July 25 and 26, 2007. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 70-78, 2007, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 70, 2007.

2006-ZON-149

4525 NORTH SHADELAND AVENUE (Approximate Address), CITY OF LAWRENCE  
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 11

DARRIN E. MEACHIM, by Robert R. Hill, requests rezoning of 2.60 acres, from the D-6 and C-4 Districts, to the I-2-S classification to provide for light industrial uses.

REZONING ORDINANCE NO. 71, 2007.

2006-ZON-852

2916 AND 3100 WEST BANTA ROAD AND 6300 SOUTH CONCORD STREET (Approximate Address), INDIANAPOLIS.

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #22

MARTIN MARIETTA MATERIALS, INC. by Jeff A. Weiss, requests rezoning of 144.36 acres, from the secondary zoning classification of the D-A (FF) (W-1) (W-5) District, to the D-A (FF) (W-1) (W-5) (GSB) classification to provide for a dredging operation.

REZONING ORDINANCE NO. 72, 2007.

2006-ZON-860

5625 AND 5627 SOUTH FRANKLIN ROAD (Approximate Address), INDIANAPOLIS  
FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25

BART AND SALLY HELDMAN, by David A. Retherford, requests REZONING of 1.033 acres, from the D-A District, to the C-1 classification to provide for office-buffer commercial uses.

REZONING ORDINANCE NO. 73, 2007.

2007-ZON-010 (Amended)

4002 NORTH FRANKLIN ROAD (Approximate Address), INDIANAPOLIS  
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 11

CP Franklin, LLC, by Timothy E. Ochs, requests REZONING of 16.48 acres, from the SU-16 District, to the I-2-S classification to provide for industrial uses.

REZONING ORDINANCE NO. 74, 2007.

2007-ZON-014

230 SOUTH MUNSIE STREET (Approximate Address), INDIANAPOLIS  
WARREN TOWNSHIP, COUNCILMANIC DISTRICT # 21

RAY SCHREIBER LUMBER, INC, by Cory Wilson, requests REZONING of 36.296 acres, from the D-A District, to the I-4-S classification to provide for heavy industrial uses.

REZONING ORDINANCE NO. 75, 2007.

2007-ZON-018 (Amended)

8000, 8035, 8051, 8105, 8121, 8133, 8203, 8211 AND 8219 MILHOUSE ROAD, AND 6103 FLYNN ROAD (Approximate Address), INDIANAPOLIS

DECATUR TOWNSHIP, COUNCILMANIC DISTRICT # 22

AMERIPLEX CAPITAL PARTNERS, LLC, by Joseph D. Calderon, requests REZONING of 17.383 acres, from the D-A and C-S Districts, to the C-4 classification to provide for community-regional commercial uses.

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REZONING ORDINANCE NO. 76, 2007.

2007-ZON-044

961 NORTH SHEFFIELD AVENUE (Approximate Address), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 15

WCDC, by Monica Thompson Deal, requests REZONING of 0.13 acre, from the C-3 (W-5) District, to the D-5 (W-5) classification to provide for residential uses.

REZONING ORDINANCE NO. 77, 2007.

2007-ZON-061

9215 PENDLETON PIKE (Approximate Address), CITY OF LAWRENCE

LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 12

ESTRIDGE DEVELOPMENT CO., INC., by Thomas Michael Quinn, requests REZONING of 93 acres, from the C-S District, to the C-S classification to provide for commercial and industrial uses permitted in the C-1, C-4, C-5, I-1, I-2 and I-3 zoning districts and consisting of approximately 200,000 square feet of office/medical uses; 200,000 square feet of retail uses and 460,000 square feet of light to medium industrial uses.

REZONING ORDINANCE NO. 78, 2007.

2007-ZON-823

720, 730 AND 740 WEST HENRY STREET, 550, 600 AND 748 KENTUCKY AVENUE AND

800 OLIVER AVENUE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19

MAHRDT PROPERTIES, INC., by David J. Bodle, requests REZONING of 0.55 acre, from the C-4 (RC) District, to the I-4-U (RC) classification to provide for heavy industrial uses.

### **SPECIAL ORDERS - PUBLIC HEARING**

PROPOSAL NO. 305, 2007. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 305, 2007 on August 2, 2007. The proposal, sponsored by Councillors Mahern, Keller, Nytes and Abdullah, appropriates \$610,000 in the 2007 Budget of the Department of Metropolitan Development (Redevelopment General Fund) to grant funds for use by Clarian Health within the Biocrossroads Certified Technology Park, for the construction of a pedestrian bridge between two of its facilities, for sidewalk improvements and streetscape design, upgrading sewer and water services and for project management of these improvements. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cain asked if these are State funds. Margaret Lawrence Banning, Department of Metropolitan Development, stated that the funds come from an increase in payroll taxes, income tax and sales tax within that district.

President Gray called for public testimony at 7:59 p.m. There being no one present to testify, Councillor Mahern moved, seconded by Councillor Gibson, for adoption. Proposal No. 305, 2007 was adopted on the following roll call vote; viz:

*27 YEAS: Abdullah, Bateman, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Speedy, Vaughn*

*0 NAYS:*

*2 NOT VOTING: Borst, Schneider*

Proposal No. 305, 2007 was retitled FISCAL ORDINANCE NO. 70, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 70, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating Six Hundred Ten Thousand Dollars (\$610,000) in the Redevelopment General fund for purposes of the Department of Metropolitan Development and reducing certain other accounts for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (i) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, to grant funds for use by Clarian Health within the Biocrossroads Certified Technology Park (CTP), for the construction of a pedestrian bridge between two of its facilities, for sidewalk improvements and streetscape design, upgrading sewer and water services and for project management of these improvements. The funding in the Biocrossroads Certified Technology Park account is derived from gross retail incremental taxes paid by businesses located within the CTP, and from income tax incremental amounts paid by employees working inside the area of CTP.

SECTION 2. The sum of Six Hundred Ten Thousand Dollars (\$610,000) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>REDEVELOPMENT GENERAL FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	610,000
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	610,000

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>REDEVELOPMENT GENERAL FUND</u>
Unappropriated and Unencumbered	
Redevelopment General Fund	610,000
TOTAL REDUCTION	610,000

SECTION 5. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The 2006 ending fund balance for the Redevelopment General Fund (on a budgetary basis) was approximately \$9.863 million, of which \$4.7 million is in the Biocrossroads CTP subfund.

After deducting the appropriation included in this and other pending proposals, the fund balance in the Redevelopment General Fund at 12/31/07 is estimated to be \$8.1 million.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 306, 2007. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 306, 2007 on August 2, 2007. The proposal, sponsored by Councillors Mahern, Keller, Nytes, Brown, Conley and Sanders, appropriates \$53,761 in the 2007 Budget of the Department of Metropolitan Development (Consolidated County Fund) to fund salaries and benefits for two Legal Case Specialists to work with the abandoned vehicle and weed programs as well as with ordinance violations, financed by Permit revenues accounted for in the Consolidated County Fund. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

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Councillor Keller asked if these positions are not subject to the hiring freeze. Councillor Mahern said that he believes they are a part of the freeze. Rick Powers, Department of Metropolitan Development, stated that they are subject to the hiring freeze but anticipated that the freeze will be lifted soon on those positions, such as these, that are not tax supported. Councillor Cain asked if it would not be more appropriate to therefore wait until the freeze is lifted to vote on these proposals. Councillor Nytes said that these positions are funded from fees collected in that specific area, and this is a huge challenge. Passing these proposals tonight will allow them to proceed with hiring as soon as the freeze is lifted.

Councillor Cockrum said that with the freeze in place, they could possibly transfer personnel doing something else in order to help reduce property tax. Councillor Gibson said that these are essential services, and he encouraged Councillors to vote for adoption this evening. Councillor Nytes said that a particular skill set is needed for these positions. The Department has many inspectors, but the cases get bogged down in courts, and these positions would work directly with helping cases move through the courts.

President Gray called for public testimony at 8:06 p.m. There being no one present to testify, Councillor Mahern moved, seconded by Councillor Nytes, for adoption. Proposal No. 306, 2007 was adopted on the following roll call vote; viz:

*28 YEAS: Abdullah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Sanders, Schneider, Speedy, Vaughn*

*0 NAYS:*

*1 NOT VOTING: Randolph*

Proposal No. 306, 2007 was retitled FISCAL ORDINANCE NO. 71, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 71, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating Fifty Three Thousand Seven Hundred Sixty One Dollars (\$53,761) in the Consolidated County Fund for purposes of the Department of Metropolitan Development and reducing certain other accounts for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01 (i) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Department of Metropolitan Development, to fund salaries and benefits for two Legal Case Specialists to work with the abandoned vehicle and weed programs as well as with ordinance violations, financed by Permit revenues accounted for in the Consolidated County General Fund.

SECTION 2. The sum of Fifty Three Thousand Seven Hundred Sixty One Dollars (\$53,761) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>DEPARTMENT OF METROPOLITAN DEVELOPMENT</u>	<u>CONSOLIDATED COUNTY FUND</u>
1. Personal Services	53,761
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	53,761

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>CONSOLIDATED COUNTY FUND</u>
Unappropriated and Unencumbered	
Consolidated County Fund	<u>53,761</u>
TOTAL REDUCTION	53,761

SECTION 5. In accordance with section 151-64 of the revised code of the Consolidated City and County, the following fund balance information is provided:

The 2006 ending fund balance for the Consolidated County Fund (on a budgetary basis) was approximately \$16.8 million, of which \$10.1 million was in the Permits subfund.

After deducting the appropriation included in this and other pending proposals, the fund balance in the Consolidated County Fund at 12/31/07 is estimated to be \$17.6 million.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 307-309, 2007 on July 26, 2007. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 307, 2007. The proposal, sponsored by Councillors Moriarty Adams, Pryor, Gray, Brown, Sanders and Conley, approves an increase of \$569,360 in the 2007 Budget of the Department of Public Safety, Fire Division (Federal Grants and Non-Lapsing Federal Grants Funds), for 2007-2008 Urban Search and Rescue Task Force operations, financed by grants from the US Department of Homeland Security-Federal Emergency Management Agency. PROPOSAL NO. 308, 2007. The proposal, sponsored by Councillors Moriarty Adams, McWhirter, Brown, Gray and Conley, appropriates \$375,579 in the 2007 Budget of the Indianapolis Metropolitan Police Department (Federal Grants and Non-Lapsing Federal Grants Funds) to purchase 12 cameras for the Indianapolis Marion County Camera Project and to fund overtime for the Fatal Crash Reduction Effort and the High-Risk Robbery Initiative. PROPOSAL NO. 309, 2007. The proposal, sponsored by Councillors Moriarty Adams, Brown, Gray, Sanders and Conley, appropriates \$3,488,171 in the 2007 Budget of the Marion County Community Corrections Agency (State and Federal Grants Fund) to fund juvenile and adult community corrections programs during the period July 1, 2007 through June 30, 2008, financed by a grant from the Indiana Department of Corrections. By 7-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass.

President Gray called for public testimony at 8:15 p.m. There being no one present to testify, Councillor Moriarty Adams moved, seconded by Councillor Conley, for adoption. Proposal Nos. 307-309, 2007 were adopted on the following roll call vote; viz:

*29 YEAS: Abdullah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy*  
*0 NAYS:*

Proposal No. 307, 2007 was retitled FISCAL ORDINANCE NO. 72, 2007, and reads as follows:

**CITY-COUNTY FISCAL ORDINANCE NO. 72, 2007**

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating an additional Five Hundred Sixty Nine Thousand Three Hundred Fifty Dollars (\$569,360) in the Federal Grants and Non-Lapsing Federal Grants Funds for purposes of the



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Department of Public Safety, Fire Division, and reducing the unappropriated and unencumbered balance in the Federal Grants and Non-Lapsing Federal Grants Funds.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.01(k) of the City-County Annual Budget for 2007 be, and is hereby amended by the increases and reductions hereinafter stated for purposes of the Department of Public Safety, Fire Division, for 2007-2008 Urban Search & Rescue (USAR) Task Force operations, financed by grants from the US Department of Homeland Security-Federal Emergency Management Agency.

SECTION 2. The sum of Five Hundred Sixty Nine Thousand Three Hundred Fifty Dollars (\$569,360) be, and the same is hereby, appropriated for the purposes as shown in Section 3 by reducing the unappropriated balances as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

FEDERAL GRANTS FUND

1. Personal Services	45,318
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
5. Internal Charges	0
TOTAL INCREASE	45,318

DEPARTMENT OF PUBLIC SAFETY

FIRE DIVISION

NON-LAPSING FEDERAL GRANTS FUND

1. Personal Services	0
2. Supplies	8,500
3. Other Services and Charges	489,060
4. Capital Outlay	14,482
5. Internal Charges	12,000
TOTAL INCREASE	524,042

SECTION 4. The said additional appropriation is funded by the following reductions:

FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Federal Grants Fund	45,318
TOTAL REDUCTION	45,318

NON-LAPSING FEDERAL GRANTS FUND

Unappropriated and Unencumbered	
Non-Lapsing Federal Grants Fund	524,042
TOTAL REDUCTION	524,042

SECTION 5. There are no matching funds required. This proposal adds 1.0 FTE to the Indianapolis Fire Department (IFD), as a result of the merger with the Warren Township Fire Department (WTFD). (A Task Force administrator was previously paid under a contract with WTFD, but that individual is now an employee of IFD.)

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 308, 2007 was retitled FISCAL ORDINANCE NO. 73, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 73, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Police Special Service District Ordinance No. 1, 2006 and Fiscal Ordinance No. 89, 2006, Section 1.06(b)) appropriating Three Hundred Seventy Four Thousand Five Hundred Seventy Nine Dollars (\$375,579) in the Federal Grants Fund and the Non-Lapsing Federal Grants Fund for purposes of the Indianapolis Metropolitan Police Department.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Sections 1 and 1.06(b) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Indianapolis Metropolitan Police Department to purchase 12 additional cameras to expand infrastructure of the protection camera project of the Buffer Zone Protection Plan (\$207,938), financed by transfer between characters; to fund overtime for the Fatal Crash Reduction Effort (\$128,522) and the High Risk Robbery Initiative (\$38,119), funded by federal grants.

SECTION 2. The sum of Three Hundred Seventy Four Thousand Five Hundred Seventy Nine Dollars (\$375,579) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the appropriated balance as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>INDIANAPOLIS METROPOLITAN POLICE DEPARTMENT</u>	<u>FEDERAL GRANTS FUND</u>
1. Personal Services	128,522
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
TOTAL INCREASE	128,522

  

<u>INDIANAPOLIS METROPOLITAN POLICE DEPT.</u>	<u>NON-LAPSING FEDERAL GRANTS FUND</u>
1. Personal Services	26,000
2. Supplies	0
3. Other Services and Charges	12,119
4. Capital Outlay	207,938
TOTAL INCREASE	246,057

SECTION 4. The said additional appropriation is funded by the following reductions:

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered Federal Grants Fund	128,522
TOTAL DECREASE	128,522

  

<u>INDIANAPOLIS METROPOLITAN POLICE DEPT.</u>	<u>FEDERAL NON-LAPSING GRANTS FUND</u>
1. Personal Services	0
2. Supplies	10,500
3. Other Services and Charges	197,438
4. Capital Outlay	0
TOTAL DECREASE	207,938

  

	<u>FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered Federal Grants Fund	38,119
TOTAL DECREASE	38,119

SECTION 5. The High Risk Robbery Initiative requires a match of 25%, which will be funded by the current contract with Crime Control Research for crime analysis, currently funded within the Indianapolis Metropolitan Police Department.

SECTION 6. Except to the extent of matching funds approved in the ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriations for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

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SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14

Proposal No. 309, 2007 was retitled FISCAL ORDINANCE NO. 74, 2007, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 74, 2007

A FISCAL ORDINANCE amending the City-County Annual Budget for 2007 (City-County Fiscal Ordinance No. 89, 2006) appropriating Three Million Four Hundred Eighty Eight Thousand, One Hundred Seventy-one Dollars (\$3,488,171) in the State and Federal Grants fund for purposes of the Marion County Community Corrections Agency and reducing certain other accounts for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.06 (c) of the City-County Annual Budget for 2007 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Community Corrections Agency, to fund the following Community Corrections programs, all financed by a grant from the Indiana Department of Corrections.

Juvenile - \$253,700  
Adult Community Transition - \$1,005,725  
Adult Re-entry - \$52,290  
Other Adult programs - \$2,176,456  
TOTAL \$3,488,171

SECTION 2. The sum of Three Million Four Hundred Eighty Eight Thousand, One Hundred Seventy-one Dollars (\$3,488,171) be, and the same is hereby transferred and appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY COMMUNITY CORRECTIONS</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	1,302,166
2. Supplies	33,984
3. Other Services and Charges	2,152,021
4. Capital Outlay	0
TOTAL INCREASE	3,488,171

SECTION 4. The said increased appropriation is funded by the following reductions:

	<u>STATE AND FEDERAL GRANTS FUND</u>
Unappropriated and Unencumbered	
State and Federal Grants Fund	3,488,171
TOTAL REDUCTION	3,488,171

SECTION 5. No local match is required.

SECTION 6. Except to the extent of matching funds, if any, approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 310, 2007. Councillor Conley reported that the Public Works Committee heard Proposal No. 310, 2007 on July 31, 2007. The proposal, sponsored by Councillors Conley, Moriarty Adams and Keller, approves an increase of \$1,650,000 in the 2007 Budget of the Department of Public Works, Indianapolis Fleet Services Division (Consolidated County Fund) to

purchase 66 police cars for use by the Indianapolis Metropolitan Police Department, financed by a transfer of cash from the Redevelopment TIF Revenue Bonds Fund. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Conley stated that the Controller's Office and the Bond Bank have identified additional funding sources for these 66 police cars and he moved, seconded by Councillor Moriarty Adams, to return Proposal No. 310, 2007 to Committee for further consideration.

Councillor McWhirter asked why the TIF revenue would not go back to local government units. Barbara Lawrence, Indianapolis-Marion County Bond Bank Director, stated that the original funding source was TIF left over after defeasance. The funds will stay in that revenue source for other capital needs. Councillor McWhirter asked why they are continuing to collect TIF revenue if the bonds are paid off. Ms. Lawrence said that they are not collecting any more TIF revenue, but this is simply interest left over.

Councillor Moriarty Adams asked from where the funding for these police cars will now be coming. Ms. Lawrence said that funding will come from second phase financing out of the existing police program.

Proposal No. 310, 2007 was returned to Committee on the following roll call vote; viz:

*28 YEAS: Abdullallah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*  
*1 NAY: Franklin*

#### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 636, 2006. Councillor Conley reported that the Law Enforcement Consolidation Committee heard Proposal No. 636, 2006 on April 25 and July 26, 2007. The proposal amends certain sections of the Revised Code of the Consolidated City and County relating to the Consolidation of the Indianapolis Police Department and the law enforcement division of the Marion County Sheriff's Department. Due to all sponsors removing their sponsorship, by a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Conley moved, seconded by Councillor Mansfield, to strike. Proposal No. 636, 2006 was stricken by a unanimous voice vote.

PROPOSAL NO. 303, 2007. Councillor Nytes reported that the Economic Development Committee heard Proposal No. 303, 2007 on August 2, 2007. The proposal, sponsored by Councillors Nytes and Randolph, recommends the granting of an "Economic Development for a Growing Economy" Credit to Anaclim, LLC. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Nytes moved, seconded by Councillor Keller, for adoption. Proposal No. 303, 2007 was adopted on the following roll call vote; viz:

*28 YEAS: Abdullallah, Bateman, Borst, Boyd, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy, Vaughn*  
*0 NAYS:*  
*1 NOT VOTING: Brown*

Proposal No. 303, 2007 was retitled SPECIAL ORDINANCE NO. 3, 2007, and reads as follows:

August 6, 2007

CITY-COUNTY SPECIAL ORDINANCE NO. 3, 2007

A SPECIAL ORDINANCE recommending the granting of an "Economic Development for a Growing Economy" Credit to Anaclim, LLC.

WHEREAS, pursuant to IC 36-7-32, the Indiana Economic Development Corporation has designated INTECH Park as a Certified Technology Park; and

WHEREAS, Anaclim, LLC, a minority focused contract research organization, is located in INTECH Park; and

WHEREAS, the Indiana Economic Development Corporation desires to extend tax credits to Anaclim, LLC, based on proposed job creation and capital investment by Anaclim, LLC; and

WHEREAS, the incentives include an Economic Development for a Growing Economy (hereinafter "EDGE") Credit in the total amount of Seven Hundred and Fifty Thousand Dollars (\$750,000.00) received over a period of eight (8) years; and

WHEREAS, IC 6-3.1-13-15(6) requires the City-County Council to recommend the granting of an EDGE Credit to a business located in a Certified Technology Park; now, therefore,

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. In accordance to IC 6-3.1-13-15(6), the City-County Council of the City of Indianapolis and Marion County, Indiana recommends the granting of an EDGE Credit to Anaclim, LLC, in the total amount of Seven Hundred and Fifty Thousand Dollars (\$750,000.00) received over a period of eight (8) years and hereby agrees that the City or any redevelopment commissions established under IC 36-7-14 will be entitled to claim the increased incremental adjusted gross income tax withholdings paid by employees of Anaclim, LLC, to be deposited in any Certified Technology Park incremental tax financing fund established under IC 36-7-32-22 upon completion of the eight (8) year EDGE Credit award.

SECTION 2. The waiver of the Certified Technology Park's ability to collect increment pursuant to IC 36-7-32 as set forth in this ordinance does not pertain in any way to the Certified Technology Park's ability to collect increment from other current or future residents of this Park.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 304, 2007 Councillor Nytes reported that the Economic Development Committee heard Proposal No. 304, 2007 on August 2, 2007. The proposal, sponsored by Councillors Nytes and Randolph, recommends the granting of an "Economic Development for a Growing Economy" Credit to Angel Learning, Inc. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Borst asked why the Council has to approve this type of credit when they have never done it before, to his knowledge. Councillor Nytes said that this type of credit has been under the State's jurisdiction for approval for years, but in order for the state to forego revenues, and because it is in a certified technology park, the City can collect income tax for these projects up to \$5 million. Councillor Borst asked if the businesses are paying \$5 million a year. Councillor Nytes said that \$5 million is for the life of the credit.

Councillor Nytes moved, seconded by Councillor Randolph, for adoption. Proposal No. 304, 2007 was adopted on the following roll call vote; viz:

29 YEAS: *Abduallah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy*

0 NAYS:

Proposal No. 304, 2007 was retitled SPECIAL ORDINANCE NO. 4, 2007, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 4, 2007

A SPECIAL ORDINANCE recommending the granting of an “Economic Development for a Growing Economy” Credit to Angel Learning, Inc.

WHEREAS, pursuant to IC 36-7-32, the Indiana Economic Development Corporation has designated INTECH Park as a Certified Technology Park; and

WHEREAS, Angel Learning, Inc., an internet based educational provider, is located in INTECH Park; and

WHEREAS, the Indiana Economic Development Corporation desires to extend tax credits to Angel Learning, Inc., based on projected personal property investment, job retention and job creation by Angel Learning, Inc.; and

WHEREAS, the incentives include an Economic Development for a Growing Economy (hereinafter “EDGE”) Credit in the total amount of Two Million and Five Hundred Thousand Dollars (\$2,500,000.00) received over a period of eight (8) years; and

WHEREAS, IC 6-3.1-13-15(6) and IC 6-3.1-13-15.5(11) require the City-County Council to recommend the granting of an EDGE Credit to a business located in a Certified Technology Park; now, therefore,

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. In accordance with IC 6-3.1-13-15(6) and IC 6-3.1-13-15.5(11), the City-County Council of the City of Indianapolis and Marion County, Indiana recommends the granting of an EDGE Credit to Angel Learning, Inc., in the total amount of Two Million and Five Hundred Thousand Dollars (\$2,500,000.00) received over a period of eight (8) years and hereby agrees that the City or any redevelopment commissions established under IC 36-7-14 will be entitled to claim the increased incremental adjusted gross income tax withholdings paid by employees of Angel Learning, Inc., to be deposited in any Certified Technology Park incremental tax financing fund established under IC 36-7-32-22 upon completion of the eight (8) year EDGE Credit award.

SECTION 2. The waiver of the Certified Technology Park’s ability to collect increment pursuant to IC 36-7-32 as set forth in this ordinance does not pertain in any way to the Certified Technology Park’s ability to collect increment from other current or future residents of this Park.

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 311-317, 2007 on July 31, 2007. He asked for consent to vote on Proposal Nos. 311 and 312, 2007 together and Proposal Nos. 314-317, 2007 together. Consent was given.

PROPOSAL NO. 311, 2007. The proposal, sponsored by Councillors Conley, Cockrum and Abdullah, authorizes and approves the execution of an agreement between the Consolidated City of Indianapolis and the Town of Plainfield related to the development of the PepsiCo Facility and related infrastructure construction and improvement. PROPOSAL NO. 312, 2007. The proposal, sponsored by Councillors Conley and Keller, authorizes the Office of Environmental Services to apply for grant assistance from IDEM to assist in funding services provided to residents through its ToxDrops Program. By unanimous votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor Cockrum, for adoption. Proposal Nos. 311 and 312, 2007 were adopted on the following roll call vote; viz:

August 6, 2007

29 YEAS: *Abduallah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy*  
0 NAYS:

Proposal No. 311, 2007 was retitled SPECIAL ORDINANCE NO. 5, 2007, and reads as follows:

CITY-COUNTY SPECIAL ORDINANCE NO. 5, 2007

A SPECIAL ORDINANCE approving and authorizing execution of an agreement between the City of Indianapolis and the Town of Plainfield, Indiana, related to the development of the PepsiCo Facility and related infrastructure construction and improvements.

WHEREAS, the Board of Public Works, by Resolution No. 67, 2007, approved the agreement between the Consolidated City of Indianapolis, Marion County, Indiana, and the Town of Plainfield, related to the development of the PepsiCo Facility and related infrastructure construction and improvement ("Project") and authorized the Director of the Department of Public Works to sign said agreement on behalf of the Consolidated City of Indianapolis, Marion County, Indiana; and

WHEREAS, said agreement is in the best interest of the Consolidated City of Indianapolis, Marion County, Indiana, now therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA

SECTION 1. The Interlocal Agreement between the Consolidated City of Indianapolis, Marion County, Indiana, and the Town of Plainfield, Indiana, as approved by the Board of Public Works by Resolution No. 67, 2007, is hereby approved and ratified, and the Clerk is directed to attach a copy of such Board of Public Works Resolution and agreements to the official copy of this Special Ordinance, and insert a copy of the same into the permanent minutes of the Council.

SECTION 2. The Director of the Department of Public Works is authorized to execute said agreement on behalf of the Consolidated City of Indianapolis, Marion County, Indiana.

SECTION 3. The Consolidated City of Indianapolis, Marion County, Indiana, is hereby authorized to approve and execute an interlocal agreement between the Consolidated City of Indianapolis, Marion County, Indiana, and the Town of Plainfield, Indiana, related to the development of the PepsiCo Facility and related infrastructure construction and improvement ("Project").

SECTION 4. This Special Ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 312, 2007 was retitled SPECIAL RESOLUTION NO. 39, 2007, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 39, 2007

PROPOSAL FOR A SPECIAL RESOLUTION authorizing the Department of Public Works, Office of Environmental Services, to apply for grant assistance from the Indiana Department of Environmental Management (hereinafter "IDEM") to assist in funding services provided to residents for the proper collection, disposal and recycling of Household Hazardous Wastes generated by the residents and Conditionally Exempt Small Quantity Generators of Indianapolis, Marion County,

Witnesseth that:

WHEREAS, the City-County Council of Indianapolis, Marion County, Indiana is the County legislative body and by law is authorized to adopt ordinances and resolutions concerning governmental and internal affairs of Marion County, Indiana; and

WHEREAS, the City-County Council of Indianapolis, Marion County, Indiana has consistently demonstrated support for environmental programs which protect the environmental health of the residents of Marion County; and

WHEREAS, IC 13-20-20-3(b)(6) requires a resolution authorizing the project and the grant request; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City-County Council hereby authorizes the grant request and the continued operation of the Department of Public Works' Office of Environmental Services ToxDrops program.

SECTION 2. The Office of Environmental Services intends to carry out all the specific activities listed in the grant.

SECTION 3. The Office of Environmental Services will allow IDEM employees to have access to and inspect the ToxDrops facilities.

SECTION 4. The Office of Environmental Services commits to maintain appropriate records that document all expenditures made during the project and submit a final report to IDEM of all project activities, achievements, and problems.

SECTION 5. The Office of Environmental Services will follow a timetable that completes the project within 12 months, agrees to hold established collection events in accordance with the grant application and submit reports on or before the date that IDEM requires them.

SECTION 6. The Office of Environmental Services commits the funding required to complete all portions of the project excluding the grant amount.

SECTION 7. The City-County Council affirms that the City has existing household collection sites and a small quantity generator program and affirms that the City already has an education program that stresses source reduction for household hazardous waste and the substitution of non-hazardous alternatives.

SECTION 8. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 313, 2007. The proposal, sponsored by Councillors Conley and Keller, amends the Code for the purpose of adding unlawful storage or parking of inoperable vehicles to the provisions relating to environmental public nuisances and administrative adjudication of environmental violations. By a 7-1 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Vaughn stated that he believes the vote in committee was 6-2, as he and Councillor Abdullah both cast negative votes. Councillor Conley stated that this is correct.

Councillor Borst said that they are already down from 1,000 to 200 complaints, and he asked what this will do to make it better. He asked if it has anything to do with what was heard in the Rules and Public Policy Committee regarding inoperable vehicles. Kevin Sifferlen, Neighborhood Services, said that this addresses those who do not comply with notices of violation. He said that it will take work out of the court system and is not related to the Rules Committee discussion, but deals more with adjudication.

Councillor Vaughn said that he opposed the proposal in Committee. While he supports the intent, he has reservations about the wording, which does not provide protection for people restoring automobiles on their property. Rick Powers, Department of Public Works, stated that restoration of automobiles in a residential district is already prohibited without a variance, unless the restoration takes place in a completely enclosed garage. Councillor Vaughn said that the variance is still not clear under this ordinance.

Councillor Conley moved, seconded by Councillor Gibson, for adoption. Proposal No. 313, 2007 was adopted on the following roll call vote; viz:



August 6, 2007

24 YEAS: Bateman, Borst, Boyd, Brown, Cain, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Speedy  
5 NAYS: Abdullah, Cockrum, Lutz, Schneider, Vaughn

Proposal No. 313, 2007 was retitled GENERAL ORDINANCE NO. 38, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 38, 2007

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code for the purpose of adding unlawful storage or parking of inoperable vehicles to the provisions relating to environmental public nuisances and administrative adjudication of environmental violations.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 575-2, 575-5, 575-8, 575-9, and 575-10 of the "Revised Code of the Consolidated City and County," regarding environmental public nuisances, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 575-2. Definitions.**

For the purpose of this chapter, the following terms shall have the following meanings. The word "shall" is always mandatory and not merely directory.

- (1) *Authorized individual* means a designee of the director of the department of public works.
- (2) *City* means the Consolidated City of Indianapolis and Marion County.
- (3) *Environmental public nuisance* means:
  - a. Vegetation on private or governmental property which is abandoned, neglected, disregarded or not cut, mown, or otherwise removed and which has attained a height of twelve (12) inches or more;
  - b. Vegetation, trees or woody growth on private property which, due to its proximity to any governmental property, right-of-way or easement, interferes with the public safety or lawful use of the governmental property, right-of-way or easement or which has been allowed to become a health or safety hazard;
  - c. A drainage or stormwater management facility as defined in Chapter 561 of this Code on private or governmental property, which facility has not been maintained as required by that chapter;
  - d. Property which has accumulated litter or waste products, unless specifically authorized under existing laws and regulations, or which has otherwise been allowed to become a health or safety hazard.
  - e. Property on which an inoperable vehicle is stored, maintained, or kept outdoors on private property in violation of any provision of this Revised Code.
- (4) *Excluded property* means:
  - a. Cultivated land in commercial, domestic, agricultural or horticultural use;
  - b. An existing natural or developed forest which does not create a health or safety hazard;
  - c. Vacant, open lands, fields or wooded areas more than one hundred fifty (150) feet from occupied property;

- d. A nature habitat area more than one hundred fifty (150) feet from an occupied structure on adjacent property and determined by state and/or local governmental health authorities not to be a health or safety hazard; or
  - e. A wetland area designated by the United States Department of Interior Fish and Wildlife Division on a National Wetlands Inventory Map and/or determined to be a wetland area by the Marion County Soil and Conservation Service and/or the Department of Public Works, Drainage Division.
- (5) *Governmental property* means real estate which is owned, leased, controlled or occupied by the United States, the State of Indiana, or any political subdivision thereof.
- (6) *Equipment* means such equipment as trucks, tractors, bulldozers and similar motor vehicles and hand-operated equipment such as weed trimmers and similar equipment.
- (7) *Inoperable vehicle* means:
- a. A motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle from which there has been removed engine, transmission or differential parts or that is otherwise partially dismantled or mechanically inoperable; or
  - b. Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate.
- (78) *Occupant* means the person, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization, or entity who is from time to time in possession or exercising dominion and control over the real estate or any house or other structure located thereon. Occupant shall include any lessee of the property.
- (89) *Owner* means the record owner or owners as reflected by the most current records in the township assessor's office of the township in which the real estate is located.
- (910) *Private property* means all real estate within the city except governmental property.
- (4011) *Recipient* means the owner or occupant to whom notice of violation has been directed.
- (4112) *Repeat violation* occurs ~~upon when a recipient's property owner or occupant who has previously been issued notice of second failure to abate~~ a similar environmental public nuisance for the same property or who has been found by a hearing or judicial officer to have allowed a similar environmental public nuisance to exist at the same property allows a subsequent similar environmental public nuisance to exist at that property within eighteen (18) months of the date of the previous notice or finding of violation, whichever is later most recent violation. A failure to abate occurs after the department has issued a notice of violation described in section 575-5(b) and the time for compliance set forth in the notice has expired. A repeat violation does not occur when multiple violations of section 575-2(3)d. are alleged and:
- a. ~~The recipient owner or occupant~~ can demonstrate that illegal dumping was the cause of the underlying violations; and
  - b. The owner or occupant has made a reasonable effort to prevent illegal dumping from recurring.

**Sec. 575-5. Determination of violation; notice of violation.**

(a) Any department of the city ~~which that~~ receives a complaint regarding an environmental public nuisance on any property within the city shall forward that complaint to the department of public works, which shall make a record of, and assign a case number to, such complaint. An authorized individual shall visually inspect the property in question. If the authorized individual determines that a violation exists, the department shall issue a notice of violation to the owner ~~if the city intends to proceed under the provisions of section 575-7 of this chapter~~ and, in the department's sole discretion, to the occupant.

(b) Notice of violation described in subsection (a) shall be issued either by personal service or by first class United States mail, postage prepaid. Such notice shall state the nature of the alleged environmental public nuisance and the action deemed necessary to correct the condition, and shall fix a date not sooner than ten (10) days from the date of the notice when the property will be reinspected. The notice shall inform the recipient that, if the condition is not corrected upon reinspection, the city has the right to enter on the property to abate or correct the condition and bill the recipient for costs incurred in so doing ~~and/or to file a court action against the recipient for ordinance violation~~. A notice to the occupant at the real estate or to the owner at the address to which property tax statements are sent as these addresses are shown by the most current records in the township assessor's office of the township in which the real estate is located shall be sufficient notice under this subsection.

**Sec. 575-7. Failure to abate after notice; abatement by city.**

(b) *Responsibility of occupant or owner for costs of abatement.*

(1) *Abatement costs.* As reimbursement to the department of public works for its costs, the recipient shall, within ten (10) days of the date of the bill, pay to the department of public works of the city the following fees and charges:

a. The following administrative fees for such administrative tasks as inspecting the property to determine compliance, determining ownership and preparing and mailing notices:

Administrative fees . . . ~~\$440.00~~ 226.00

~~b. The following labor fees per person, per hour, or fraction thereof, for labor necessary to abate an environmental nuisance:~~

~~Laborer . . . \$24.84~~

~~Truck driver . . . 25.60~~

~~Equipment operator . . . 27.15~~

~~Heavy equipment operator . . . 28.32~~

~~Crew leader . . . 29.70~~

~~c. The following equipment fees per machine, per hour, or fraction thereof, for the use of each piece of equipment necessary to abate an environmental nuisance:~~

~~Pickup truck . . . \$ 4.75~~

~~Tractor/bush hog . . . 9.25~~

~~Boom truck . . . 17.70~~

~~Backhoe . . . 16.90~~

~~Dump truck (single axle) . . . 19.40~~

~~Dump truck (tandem axle) . . . 21.25~~

~~Packer . . . 19.75~~

~~Excavator . . . 31.60~~

~~Dozer (small) . . . 20.25~~

~~Dozer (large) . . . 30.00~~

~~Loader . . . 21.00~~

~~Bobcat or equivalent . . . 15.00~~

~~d.~~ Any disposal fees actually incurred to dispose of litter and waste products removed;

~~e.~~ Any other reasonable fees actually incurred in abating an environmental nuisance;

~~f.~~ Administrative, labor and equipment fees may be changed or established by regulation of the board of public works as necessary to assure that such fees are adequate to reimburse the department.

**Sec. 575-8. ~~Failure to abate after notice~~ Existence of violation; court action or administrative adjudication for ordinance violation; court action or administrative adjudication for repeat violation.**

(a) In addition to or in lieu of the foregoing, if, upon ~~reinspection~~, it is determined by the authorized individual that ~~abatement has not occurred~~ an environmental public nuisance exists, the department of public works may initiate a civil court action or administrative adjudication for ordinance violation against the ~~recipient~~ owner or occupant of the property. A court action shall be initiated by

submitting a written request to the corporation counsel to file a complaint of ordinance violation and/or to enjoin any environmental public nuisance. Administrative proceedings may be initiated by an authorized individual or by corporation counsel by following the procedures set forth in Chapter 103, Article V.

(b) Regardless of whether later abatement by the recipient has occurred, the department of public works may initiate an administrative adjudication or a civil court action for any repeat violation of this chapter.

**Sec. 575-9. Penalty.**

(a) Any recipient found in violation of this chapter may be fined not more than two thousand five hundred dollars (\$2,500.00) for each violation. Each day such violation is permitted to continue may be deemed to constitute a separate violation. A previous violation of this chapter ~~on the same property during the current or preceding calendar year~~ may be considered in determining the penalty assessed. Notwithstanding section 103-3 of this Code, a finding that a violation occurred or an admission that a violation occurred is not required to assess and recover a penalty if the recipient subject to the penalty agrees to pay the penalty pursuant to either an agreed judgment or consent decree in a court action for ordinance violation or a compliance agreement in an administrative adjudication.

(b) Notwithstanding paragraph (a) above, a recipient shall be fined two thousand five hundred dollars (\$2,500.00) for each repeat violation.

(c) The department of public works shall publish a list of the names of owners and occupants who have been cited for a repeat violation under this chapter and the addresses of the affected properties. The director shall determine the frequency of publication.

**Sec. 575-10. Variance.**

An owner or occupant may submit a written request for a variance to the board of public works if compliance with this chapter will cause undue hardship to such owner or occupant without a sufficient corresponding benefit to the health or safety of the public. To receive consideration, such request must be received prior to the time the city abates the environmental nuisance on the property. Upon receipt of a request, the board of public works shall schedule a hearing and notify the owner or occupant of the time and place. At least ten (10) days prior to the hearing, the owner or occupant shall notify in writing the owners and occupants of all property within one hundred fifty (150) feet of the property for which the variance is requested. The notice shall state the location of the property for which the variance is requested, the nature of the variance requested, and the time and place of the hearing. At the hearing, the owner or occupant requesting the variance, representatives of the city, representatives of state or local governmental health authorities and any person affected by the proposed variance may present evidence. After the hearing, the board of public works may grant or deny the request. The decision of the board of public works shall be final. Within ten (10) days of the decision, written notice of the board of public works' decision shall be given to the owner or occupant who requested the variance. This provision shall not apply to an environmental public nuisance as defined in section 575-2(3)e of this chapter.

SECTION 2. Section 575-13 of the "Revised Code of the Consolidated City and County," regarding administrative adjudication, hereby is REPEALED.

SECTION 3. Chapter 575 of the "Revised Code of the Consolidated City and County," regarding environmental public nuisances, hereby is amended by the addition of a NEW SECTION 575-13, to read as follows:

**Sec. 575-13. Provisions of chapter declared severable.**

*In the event any section, subsection, clause, phrase, or portion of this chapter is for any reason held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remainder of this chapter. It is the legislative intent of the council that this chapter would have been adopted if such illegal provision had not been included or any illegal application had not been made.*

SECTION 4. Sections 103-501, 103-504, 103-507, 103-509, 103-510, and 103-511 of the "Revised Code of the Consolidated City and County," regarding administrative adjudication of environmental violations, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 103-501. Definitions.**

As used in this article, the following terms shall have the meanings ascribed to them in this section:

- (a) *Code* shall mean the Revised Code of Indianapolis and Marion County.
- (b) *DPW* shall mean the department of public works.
- (c) *Environmental violation* shall mean a violation of one (1) or more of the following:
  - (1) A regulation, adopted by the Indianapolis Air Pollution Control Board under the authority of section 511-401, a violation of which constitutes a violation of Chapter 511 pursuant to section 511-403.
  - (2) Section 511-403, "enforcement of permits; permit fees and the requirement to obtain a permit."
  - (3) Section 511-701, "air pollution."
  - (4) Section 511-702, "open burning restricted; general prohibitions."
  - (5) Article I, "general," sections 671-1 through 671-21.
  - (6) Article II, "building sewers," sections 671-22 through 671-31.
  - (7) Article III, "industrial discharge permits," sections 671-41 through 671-100.
  - (8) Article VI, "wastewater hauling," sections 671-128 through 671-149.
  - (9) ~~Sections 571-5 through 571-13~~ Any provision of chapter 575, "environmental public nuisances."
- (d) *Party* and *parties* shall refer to the city and respondents.
- (e) *Respondent* shall mean a person to whom a notice of hearing is issued pursuant to section 103-504 of this article.

**Sec. 103-504. Notice of administrative hearing.**

- (a) Whenever DPW issues a notice of violation for an environmental violation or determines that an environmental public nuisance as defined in chapter 575 exists, ~~no later than sixty (60) days after issuance~~, DPW may either refer the matter to the city prosecutor to file an enforcement action in court, or issue a notice of administrative hearing ~~to the person to whom the notice of violation was sent as provided in this Code~~.
- (b) Service of notice of administrative hearing shall be by United States mail to the respondent's last known address, or by personal service. For any violation of chapter 575, a notice of administrative hearing sent by United States mail, postage prepaid, to the owner of said real estate at the address to which property tax statements for the real estate are sent, as these addresses are shown by the most current records in the assessor's office, shall be sufficient notice to the property owner under this section. Service on an artificial person or a person incompetent to receive service shall be made on a person allowed to receive service under the rules governing civil actions in the courts. DPW shall keep a record of the time, date and manner of service.
- (c) DPW shall cause a copy of each notice issued pursuant to this section to be delivered to the hearing officer who will preside over the hearing.
- (d) Each notice of administrative hearing shall include the following information:
  - (1) A caption for the hearing, which shall include the name of each party expected to participate in the hearing, and an official file or other reference number;
  - (2) A statement of the date, time and place of the hearing;

- (3) A statement of the nature of the hearing, including the legal authority under which the hearing is to be held, and a summary of the parties' procedural rights at the hearing;
  - (4) A statement of the date, time, ~~and place, and nature~~ of each alleged violation ~~as stated on the notice of violation,~~ and the maximum penalty ~~which that~~ can be imposed thereupon;
  - (5) The ~~name,~~ official title, and mailing address of the hearing officer and a telephone number through which information concerning the hearing may be obtained;
  - (6) The ~~name,~~ official title, mailing address and telephone number of the person who has been designated to appear on behalf of the city; and
  - (7) A statement that a party who fails to respond to the notice of the hearing, or to participate in the hearing, may be held in default.
- (e) Notice of administrative hearing shall be issued at least twenty (20) days prior to the date of the hearing.

**Sec. 103-507. Hearing procedures.**

- (a) The hearing officer shall afford all parties the opportunity to participate in the hearing to the extent necessary for full consideration of all relevant facts and issues. A party may present evidence in the form of testimony, affidavits and documentation, engage in argument, and conduct cross-examination. A party may participate in person or by counsel at the party's own expense; if the party is not an individual or is incompetent to participate, then the party shall participate by a duly authorized representative.
- (b) The city shall have the burden of proving the environmental violation and the burden may be sustained by a preponderance of the evidence.
- (c) The hearing officer shall conduct the hearing in an informal manner and without strict adherence to the technical rules of evidence and procedure which govern judicial proceedings. The hearing officer shall rule on the admissibility of any offer of proof, and on other motions, and shall exclude evidence that is irrelevant, immaterial, unduly repetitious, or excludable on constitutional or statutory grounds. The testimony of each party and witness shall be made under oath or affirmation.
- (d) The hearing officer may take official notice of any section of the Code, and any law or fact that could be judicially noticed in the courts.
- (e) The hearing officer shall cause an audio recording of the hearing to be ~~recorded on audio tape~~ made at the expense of the city.

**Sec. 103-509. Decision.**

- (a) Upon the conclusion of each hearing or within a maximum of forty-five (45) days after conclusion of each hearing, the hearing officer shall render a decision which shall include a determination whether the respondent violated the ordinance as alleged ~~in the notice of violation,~~ the amount of civil penalty ~~which that~~ must be paid for each violation with instructions on when and how payment shall be made, and a statement of the parties' right to petition for review of the decision. The penalties shall not exceed the amounts described in section 511-607 of this Revised Code, chapter 575 of this Revised Code, or section 671-16 of this Revised Code for each violation.

**Sec. 103-510. Record of the hearing.**

The record of each hearing under this article consists of the following:

- (1) The notice of hearing;
- (2) The notice of violation, if any;
- (3) Any documents, ~~or~~ motions, or exhibits filed or entered into evidence;
- (6) The audio ~~tape~~ recording of the hearing and a written transcript of same;

and shall constitute the complete and exclusive record for review of a hearing officer's decision.

**Sec. 103-511. Written transcript of hearing; preparation and cost.**

At the written request of respondent, DPW shall provide a written transcript of the audio tape recording of the hearing. Respondent shall pay DPW the reasonable cost of preparing the written transcript, unless respondent files with the hearing officer under oath and in writing, a statement of indigency as described in IC ~~33-19-3-2~~ 33-37-3-2. Respondent may cause to be prepared, at his own expense, a written transcript which DPW shall review and certify as to accuracy.

***SECTION 5. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.***

SECTION 6. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 314, 2007. The proposal, sponsored by Councillors Conley and Brown, establishes a 25-mile-per-hour speed limit in the Hartman Village (District 18). PROPOSAL NO. 315, 2007. The proposal, sponsored by Councillors Conley and Randolph, authorizes a one-way restriction and intersection controls on 73rd Street between Woodland Drive and Zionsville Road (District 1). PROPOSAL NO. 316, 2007. The proposal, sponsored by Councillors Conley and Gray, authorizes a multi-way stop at the intersection of 44th Street and Sunset Avenue (District 8). PROPOSAL NO. 317, 2007. The proposal, sponsored by Councillors Conley and Gray, authorizes a multi-way stop at the intersection of 44th Street and Crown Street (District 8). By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor Sanders, for adoption. Proposal Nos. 314-317, 2007 were adopted on the following roll call vote; viz:

29 YEAS: Abdullah, Bateman, Borst, Boyd, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Langsford, Lutz, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Pryor, Randolph, Sanders, Schneider, Speedy  
0 NAYS:

Proposal No. 314, 2007 was retitled GENERAL ORDINANCE NO. 39, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 39, 2007  
Proposal No. 314, 2007

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Chapter 441, Traffic, Sec. 441-323, Alteration of prima facie speed limits.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-323, Alteration of prima facie speed limits, be, and the same is hereby amended by the addition of the following, to-wit:

**25 MILES PER HOUR**

Breman Lane from 21<sup>st</sup> Street to Serenity Lane  
Brocken Way from Cumberland Road to Herford Drive  
Herford Drive from Brocken Way to Halle Drive  
Halle Drive from Herford Drive to Breman Lane  
Brocken Court from Brocken Way to a point 185 feet south of Brocken Way  
Still Haven Court from Breman Lane to a point 440 feet west of Breman Lane  
Serenity Lane from Cumberland Road to a point 1165 feet east of Breman Lane  
Quiet Haven Circle from Serenity Lane to a point 420 feet north of Serenity Lane

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 315, 2007 was retitled GENERAL ORDINANCE NO. 40, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 40, 2007

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-342, One-way streets and alleys designated and Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-342, One-way streets and alleys designated, be, and the same is hereby amended by the addition of the following, to wit:

**ONE WAY  
EASTBOUND**

Seventy-Third Street, from Woodland Drive to Zionsville Road

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection traffic controls, be, and the same is hereby amended by the addition of the following, to wit

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
9	Woodland Dr 73 <sup>rd</sup> St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 316, 2007 was retitled GENERAL ORDINANCE NO. 41, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 41, 2007

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection traffic controls, be, and the same is hereby amended by the deletion of the following, to wit



August 6, 2007

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	44 <sup>th</sup> St Sunset Ave	Sunset Ave	Stop

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 441-416, Schedule of intersection traffic controls, be, and the same is hereby amended by the addition of the following, to wit

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	44 <sup>th</sup> St Sunset Ave	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 317, 2007 was retitled GENERAL ORDINANCE NO. 37, 2007, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 37, 2007

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	44 <sup>th</sup> St Crown St	44 <sup>th</sup> St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
17	44 <sup>th</sup> St Crown St	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

**ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Boyd stated that he had been asked to offer the following motion for adjournment by:

- ( 1) Councillor Brown in memory of Donald Van Cleave, Sr. ; and
- ( 2) Councillor Boyd in memory of Helen E. Dodds ; and
- ( 3) Councillor Abdualah in memory of Bobby W. Green, Sr. ; and
- ( 4) Councillor Sanders and Plowman in memory of Agnes Billerman ; and
- ( 5) Councillor Mansfield and Langsford in memory of Zachariah Gonzalez ; and
- ( 6) Councillor Langsford in memory of Marion Intermill Fenstermaker ; and
- ( 7) Councillor Gray in memory of Conway "Pepper" Davis

Councillor Boyd moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Donald Van Cleave, Sr., Helen E. Dodds, Bobby W. Green, Sr., Agnes Billerman, Zachariah Gonzalez, Marion Intermill Fenstermaker, and Conway "Pepper" Davis. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:41 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 6th day of August, 2007.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)